

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 25, 2001

DIVISION THREE

B146403 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Kerry L.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B143753 Nicole Kallas (Not for Publication)
 v.
 City of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B140945 Rhonda Polite et al. (Not for Publication)
 v.
 Blas Cabanban et al.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B142314 Myers
v.
Myers

Filed order denying petition for rehearing.

B143159 Pineda
v.
Hairiri et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B144376 People (Not for Publication)
v.
Humberto U.

In re Humberto U. a person Coming Under the Juvenile Court Law.

The trial court's August 16, 2000 is ordered corrected to show 211 days if predisposition credit. The court's orders are affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
Wilhite, J. (Assigned)

B146485 People (Not for Publication)
v.
Andrew Montoya

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B140796 People (Not for Publication)
v.
Anthony S. Holmes

The trial court's order is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Willhite, J. (Assigned)

B135352 Lois Payne et al. (Certified for Partial Publication)
v.
National Collection Systems, Inc.

The order sustaining the demurrer of defendant National Collection Systems, Inc., doing business as National Credit Management, to the first, second, and third causes of action is reversed. The order sustaining the demurrer dismissal as to the first through fourth causes of action is reversed. The order sustaining the demurrer to the fourth cause of action for a violation of the Unfair Competition Act is affirmed. That part of the order sustaining the demurrer to the fourth cause of action without leave to amend, is reversed. Upon issuance of the remittitur, the trial court shall grant plaintiffs leave to amend within a period of time determined by it. Plaintiffs shall each recover their costs incurred on appeal from defendant, National Collection Systems, Inc., doing business as National Credit Management.

Turner, P.J.

I concur: Armstrong, J.
I concur and dissent: Grignon, J. (Opinion)

DIVISION SIX

B144704 People (Not for Publication)
v.
Silver

Accordingly, we stay the one-year sentence for assault with a deadly weapon (count 3), modify the judgment (section 1260), and affirm the judgment as modified. with respect to BA156870, this results in a six year eight month state prison sentence. The trial court is directed to send an amended abstract of judgment to the Department of Correction reflecting that the one-year sentence for assault with a deadly weapon (count 3; section 245, subd. (a)(1)) is stayed pursuant to section 654 and that the total term imposed is six years eight months. In all other respects, the judgment (order revoking probation) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B138316 People (Not for Publication)
v.
Gray

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B141922 Schultz
v.
Schultz

Filed order denying petition for rehearing.

DIVISION SEVEN

B134398 Michael Reese et al. (Certified for Publication)

v.

Allstate Insurance Company

Ruth Sherman et al.

The appeal is dismissed. Respondents to recover costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Woods, J.

B142925 People (Not for Publication)

v.

Tredwell

The sentence imposed is reversed and the cause is remanded for re-sentencing. Upon remand, the court is directed to grant Penal Code section 2900.5 credit in conformity with this opinion and impose the five-year enhancements as is required by Penal Code section 1385, subdivision (b). The court is to exercise its discretion under Penal code section 1385, subdivision (a), and People v. Superior Court (Romero) to determine an appropriate term of imprisonment under the "Three Strikes" law. In all other respects, the judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.

Woods, J.

B143449 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Gewndolyn S.

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.

Johnson, J.

DIVISION SEVEN (Continued)

B146911 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jullian M.
In re Leroy A., et al., a Persons Coming Under the Juvenile Court Law.

The order terminating parental rights is affirmed.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B142071 People (Not for Publication)
v.
Covarrubias

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Johnson, J.

B139256 People (Not for Publication)
v.
Denham

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B144152 People (Not for Publication)
v.
Valenzuela

The judgment is reversed. The cause is remanded to the trial court with instructions that, upon appellant's request, the court will permit appellant to withdraw his plea of no contest and commence proceedings anew.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B142936 People (Not for Publication)
v.
Flemings

The order imposing unauthorized terms for the firearm use enhancements is reversed. The cause is remanded for resentencing for the court to select authorized terms of imprisonment for the Penal code section 12022.5 firearm use enhancements. In all other respects, the judgment is affirmed. Upon remand, the court shall prepare an amended abstract of judgment which, inter alia, states the terms imposed for counts 1 and 10 are stayed under Penal Code section 654 and indicates the court imposed two Penal Code section 667, subdivision (a) (1), enhancements.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

June 25, 2001-Continued

DIVISION SEVEN (Continued)

B139750 Rojas (Not for Publication)
v.
Campbell

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B137370 People (Not for Publication)
v.
Portillo

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
Boland, J. (Assigned)

B141608 Hemaratanatorn
v.
City of Pasadena

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN (Continued)

B148110 Kekoa S. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, et al.
r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B145253 People (Not for Publication)
v.
Palomera

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B144065 People (Not for Publication)
v.
Farahmand

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B136171 Chavez (Not for Publication)
v.
Global Payment Systems et al.

The judgment is reversed and the cause is remanded to the trial court with directions to vacate its order granting the motion for summary judgment and to enter a new order denying the motion for summary judgment. Chavez is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
Boland, J. (Assigned)

B146200 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Billie H.
In re Danielle C., minor

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B143707 Sunset Palisades, LLC. (Not for Publication)
v.
Self Realization Fellowship Church

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B141787 Sunset Palisades, LLC (Not for Publication)
v.
Self Realization Fellowship Church

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B141789 Ortiz (Not for Publication)
v.
Universal Bank et al.

The judgment of the trial court is affirmed. Respondents' motion for sanctions is denied. Respondents are entitled to recover their costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Boland, J. (Assigned)

B141714 People (Not for Publication)
v.
Courtney

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B142416 McCook Metals (Not for Publication)
 v.
 George Lanning et al.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

B144563 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Gary C.
 In re Kindall C. et al., minors

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

B137978 People
 v.
 Bohen

Filed order denying petition for rehearing.